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HINDUISM UNPREJUDICED STAKE ON THE THIRD GENDER

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I. ABSTRACT

The approval of homosexuality as a gender through the lens of Hinduism is often a debated issue, Hindus claim that Hinduism condemns homosexuality, and it is voluntary in nature and unnatural. This research paper aims to **critically analyze** the available ancient texts of Hindu religion and the instances of the third gender in the same to prove Hinduism's neutral voice on the third gender. It **collates arguments** as to whether homosexuality affects ethics, morals, society, religion, spirituality, sexual, physical and pleasures of love in general. It stresses on work done by John Cornivo, Michael Ruse, Michael Levin, and Arvind Sharma on the same. This paper substantiates that the four magnificent pillars of Hinduism that are 'The Vedas', and also the 'Dharmashastras' specifically 'Manav Dharma' Shastra neither condemn nor condone homosexuality. It also **scrutinizes** the Hindu texts and scriptures on the main principle of Dharma (righteous act), which also labels any sexual activity (homosexual or heterosexual) which specifically causes harm to someone, as adharmic or sinful. Lastly, it presents the lack of consonance of homosexuality with the 'Natural Law' or the 'Law of Reason'. It also presents the philosophical viewpoints of the legal jurists and philosophers. The paper at the end affirms Hinduism's impartial stake on homosexuality or the third gender as an identity.

II. KEYWORDS:

Homosexuality, Hinduism, LGBTQIA+, Unnatural, Scriptures, gender, sexuality

III. THE UNNATURAL BELIEF

"*Vikruti-Evam-Prakriti*" which translates to 'Perversity or Diversity is all about or what seems to be unnatural is also natural'[2]. The third gender or homosexuals or the ones

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[2] The Rig Veda

not belonging to either of the two defined and proclaimed genders are viewed with a sense of great suspicion and ignorance when it comes to the religion specifically Hinduism. Ironically several sacred texts and scriptures of Hinduism acknowledge the existence of the third gender at around 6000 B.C even[3]. Contrary to popular belief, homosexuality in Hinduism is seen as a part of your Karma or '*result of your actions*' rather than as any sin or evil, but just a manifestation of your Karma. It is believed that your past actions in previous birth determine your gender, class, sex, birth, etc., and therefore being born as homosexual is also an element of it[4]. This paper in its further instances also deals with texts such as 'Mahabharata', 'Ramayana', 'Kamasutra', and the 'Bhagavad Gita'. All of these have verses and texts justifying that Homosexuality at that time also was never considered a taboo or something that you're punished for or something evil in nature. Characters in these epics, and also the word of God (Bhagavad Gita) portrays characters who are neither from the feminine gender nor from the masculine, but still they are depicted as the epitome of courage, valor, bravery which implicitly accepts them as something being completely natural. There were instances where they were made a mockery of, but they were denied access to their rights.

Quoting Lord Krishna from the infamous 'Bhagavad Gita' – "*I am equal towards all living beings, no one is hated by me, and no one is beloved. Those who worship me with devotion, however, are in me and I am in them*". Texts like the legendary 'Bhagavad Gita' nowhere condemn the third gender or place it in a complex with the other two. Referring to the nature of 'Samsara Rigveda' as well it says that Perversity or diversity seems to be unnatural but is natural. All that seems to be unnatural is natural. Hinduism, though not unified but decentralized in its essence acknowledges Hinduism since Vedic times.

IV. INSTANCES IN ANCIENT INDIAN TEXTS

In Hindu mythology, tales of God prohibiting certain sexual acts but allowing others

[3] Serena Nanda, "The Hijras of India: Cultural and Individual Dimensions of an Institutionalized Third Gender Role", Journal of Homosexuality, Vol. 11, No. 3-4, (1986), 43

[4] Amara D. Wilhelm, Tritiya-Prakriti: People of the Third Sex: Understanding Homosexuality, Transgender Identity, and Intersex Conditions through Hinduism (Philadelphia, PA: Xlibris Corporation, 2013).

are not found. No such tales where heterosexual parties are allowed to engage in sexual activity, but homosexuals aren't can be traced back[5]. Most Hindu communities favor heterosexual intercourse and marriage just because it leads to the formation of family units. In some Hindu texts, the third gender is not condemned as such but because it doesn't support the privilege of bearing and nourishing children, which is one of the main purposes of marriage in Hindu religion, a marriage of heterosexual people is always praised[6]. The privilege that two heterosexual people can fulfill one of the main purposes of marriage very swiftly overshadows the need and importance of marriage between two homosexuals.

Kama Sutra' which deals with '*Kama*' or '*desires*' of all kinds and identifies it as one of the four normative and spiritual goals or objectives of life, written around 150 B.C, also has certain passages describing eunuchs of the 'third sex' – males performing oral sex on men. 'Vatsyayana', one who compiled 'Kama Sutra' describes techniques by which masculine and feminine types of the third sex, as well as women, can perform fellatio. The Second Part, Chapter IX of the Kama Sutra[7] mentions about two individuals who would classify present- day homosexuals as 'eunuchs'.

'Sushruta Samhita' – a Hindu medieval text dating back to 6000 B.C talks about two kinds of 'homosexual men' –

(i) *Kumbhika*, the men who take passive role in anal sex.

(ii) *Asekya*, the men who devour the semen of other men.

Also, carving in the Indian scriptures, many of them have instances depicting activities supporting homosexuality as an identity[8]. Medieval Hindu Temples of Khajuraho openly depict homosexual figures and lesbianism through their scriptures and carvings. Some scenes depict two men in an intimate position, two women, and one man in an intimate position. The *Kandariya Mahadeva Temple*, the most ornate

[5] Rajesh Sampath, "India has Outlawed Homosexuality. But it's better to be transgender there than in the U.S.", The Washington Post, (2015).
[6] Jennifer Ung Loh, "Narrating Identity: the Employment of Mythological and Literary Narratives in Identity Formation Among Hijras of India", Religion and Gender, Vol. 4., No. 1., (2014), 30.
[7] The Kama Sutra
[8] Buddha Shakaya, "Homosexuality and Hinduism," All You Need to Know About Hinduism, accessed August 18, 2013, http://history-of-hinduism.blogspot.com/p/homosexuality-and-hinduism.html.

Hindu temple in the Medieval Period has a carving depicting one man reaching out to another's erect penis. Lakshmana Temple in Khajuraho dated 954 CE has a carving where a man receives fellatio from a seated male as part of an orgiastic scene. *Rajarani Temple* in Odisha shows a carving where two women are engaged in oral sex. Similar carvings can also be seen in landmark temples such as Shiva Temple in Bagali, Karnataka. All these carvings on the landmark temples of Khajuraho, Odisha, Karnataka prove that homosexuality was anciently accepted as something completely natural and so even the temples, one of the greatest institutions of Hinduism, have carvings depicting the same. Hinduism had the concept of homosexuality dating back to a very long period and the same was accepted by then rulers as well who ordered and supervised the construction of these infamous temples.

The texts of 'Sushruta Samhita', 'Kama Sutra', 'Bhagavad Gita' and many other Hindu scriptures explicitly acknowledge the existence of homosexuality as an identity and nowhere condemn it or call it something as unnatural and voluntary in nature. The carvings of the deities on the walls of Kandariya Temple in Khajuraho, Rajarani in Odisha, Shiva Temple in Bagali acknowledge homosexuality as an identity even for deities.

V. WESTERN PHILOSOPHICAL STAKE ON HOMOSEXUALITY

The cause as to why homosexuality is seen as a taboo not only in Hinduism but also in some of western countries is because of various philosophies behind the same[9]. Some philosophers describe it as a deformity, some condemn it just because it is not capable of fulfilling the main intended objective of marriage per se. Saint Thomas Aquinas gave the Aquinas theory of natural law which specifies two factors leading to special kinds of deformity:

1. Being contrary to the right reason
2. Contrary to the natural order of venereal act

[9] The Vatican, The Catechism of the Catholic Church, "Part One: The Profession of Faith, Section One: I Believe—We Believe, Chapter 2: God Comes to Meet Man, Article 3: Sacred Scripture, II: Inspirational and Truth of Sacred Scripture," accessed April 21, 2013, http://www.vatican.va/archive/ccc_css/archive/catechism/p1s1c2a3.htm.

He concludes that homosexuality as an identity fulfills both the criteria and thus is contrary to 'natural order of the venereal act' and also 'contrary to right reason'. He believes that everything is 'God Centered' and God is the transcendent author of reality and just like mathematical problems, there are correct answers to even moral problems. He holds the opinion that all these answers reside in the mind of God. As matrimony, is of natural law, a union of male and female – the main purpose of it is procreation and education of children, which would not be possible in the case of homosexual marriage. Hence, homosexual conduct, or sodomy is second only to brutality in grievousness. He points out that the reason why some of the sovereigns make laws favouring homosexuality is that they take into consideration fundamental moral norms which may change according to the contemporary times, they do not look for natural moral law that has its source in 'God', Author of the Nature.

Aristotle on the other hand advocates man's rights against one another instead of being as it should be a way of life that is just and good for everyone[10]. He comprehends that 'Polis' is not an association for residents of a common geographical area made for just preventing mutual injustice or such, but the end purpose of which is a good life and good social institutions. With a similar analogy, Aristotle would support Homosexuality as an identity because it is not treated as a means but as an end in itself, and in the end, it is leading to a good life and good social institutions of the desired section. Jeremy Bentham would also support as he talks about maximizing pleasure/happiness and minimizing pain/suffering. He stresses making laws that make people happy, in short, the greatest happiness of the greatest law.

As per the Analytical School of Jurisprudence (Ubi civitus ibi lex), morals should never be included in the concept of law, as it then makes the law subjective, which should always be objective. Therefore, religious morals or any other shouldn't be taken into consideration when making laws for the desired section of society. This school is concerned to the present events and not the past or the future events. Hence laws for homosexuals should be made keeping in mind the present-day scenario and

[10] Mary Dejevsky, "The Battle for Gay Marriage is a Civil War, Not a Religious One," The Independent, May 30, 2013, accessed July 25, 2013, http://www.independent.co.uk/voices/comment/the-battle-for-gay-marriage-is-a- civil-war-not-a-religious-one-8638291.html.

not the historical background/origins, evolution or importance or validity. John Rawls's principle of 'Equal Basic Liberties' rejects 'Utilitarianism' as once the 'Veil of Ignorance' is lifted everyone wants to be treated with respect, even if it's a minority section, in this case, which is the entire group/section of people who identify themselves as 'homosexuals'.

VI. CONCLUSION-

Hence through the instances given from plenty of Hindu texts, it is justified that Hinduism accommodates the third gender as it is. In ancient times as well, personalities and characters were accepted as they were, giving them proper rights and freedom to choose how to marry, whom to marry, to participate in war, not to participate in war, etc. It is seen that Western philosophers' views on homosexuality are different from the views of Hinduism. They talk about the law of God which is God giving all answers to the questions raised, maximizing happiness, etc. The main contention that comes in between is the ability to reproduce, which should not be seen as one of the major goals of a marriage. Further research in the subject area can focus on the potential shortcomings and the ways to overcome them by framing up the requisite's legislation and changes in the existing legislation